

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D. C. 20554

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MAY 12 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Premont, Texas) )

RM- \_\_\_\_\_

To: Chief, Policy & Rules Division

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**PETITION FOR RULE MAKING**

Paulino Bernal, by his attorneys, and pursuant to Section 1.420(g) of the Commission's Rules, hereby requests that the Commission amend Section 73.202(b) of its Rules so as to replace the existing allotment for Channel 285A at Premont, Texas with Channel 264C3 in the same community. As will be shown below, this change is fully consistent with the Commission's rules and policies.

Mr. Bernal is the licensee of FM broadcast station KMFM in Premont, which is licensed for operation on Channel 285A. This is the only station licensed to Premont. It is also a short-spaced Class A allotment in terms of Section 73.213(c) of the Commission's Rules. KMFM is therefore limited to 3 kW effective radiated power. A grant of the instant rulemaking proposal will eliminate this substandard allotment.

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CT4  
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The proposed change would also serve the public interest by making the broadcasts of KMFM available to more people and making a better signal available to the population within the presently authorized 60 dBu contour of KMFM.

Attached hereto as Exhibit A is a map prepared by KMFM's technical consultant, John R. Furr, demonstrating that KMFM will provide the entire city of license with a 70 dBu signal or better while operating on Channel 264C3. This map is based on a specific proposed site for the new facility, located 14.4 km northeast (29° T) at coordinates 27° 28 27" North Latitude, 98° 03' 10" West Longitude. Mr. Bernal hereby requests that those coordinates be identified as the reference coordinates for this allotment change.

Mr. Furr has also determined that the proposed Class C3 facility at that location will serve 77,446 persons within its 1.0 mV/m contour, as compared with 11,552 persons within the present 1.0 mV/m contour of the Class A facility. Such an improvement in coverage is prima facie consistent with the public interest.

Exhibit B hereto is an allotment study demonstrating that proposed Class C3 authorization is consistent with the Commission's FM station spacing criteria. This study reflects the proposed location of KMFM on Channel 264C3 at the reference coordinates.

The proposed change represents a more efficient use of the FM broadcast band in South Texas than that reflected by the present Table of FM Allotments. The coverage afforded by the present facility is, in fact, insufficient to provide an economic

base of support for the station. It is therefore essential for the preservation and enhancement of this, the only broadcast station licensed to Premont, that the upgrade be approved.

The instant proposal involves an upgrade for KMFM to a non-adjacent channel. However, because of the small size of Premont and the depressed level of economic activity in the area, Mr. Bernal does not believe that there is any realistic chance that a second station could survive there. He is proceeding with this proposal in the expectation that no other party will express an interest in the use of either channel in Premont on a timely basis. Accordingly, the proposed change of the Premont allotment may be accomplished without opening up the license of KMFM to competing applications.

The reference site identified above is 139 km from the Mexican border. Consequently, the applicant understands that coordination with Mexico is required in connection with this proposal.

In view of the foregoing, the Commission is hereby requested, through a notice and comment rulemaking, to make the following Section 73.202(b) change to the Table of FM Allotments:

	<u>Present</u>	
<u>City/State</u>		<u>Channel No.</u>
Premont, Texas		285A
	<u>Proposed</u>	
<u>City/State</u>		<u>Channel No.</u>
Premont, Texas		264C3

Mr. Bernal hereby expresses his commitment to seek a construction permit for modified facilities for KMFM, consistent with the changes set forth above, promptly upon the issuance of a Report and Order mandating the proposal reallocation, and to construct facilities for KMFM as a Class C3 station once an appropriate construction permit is issued.

Respectfully submitted,

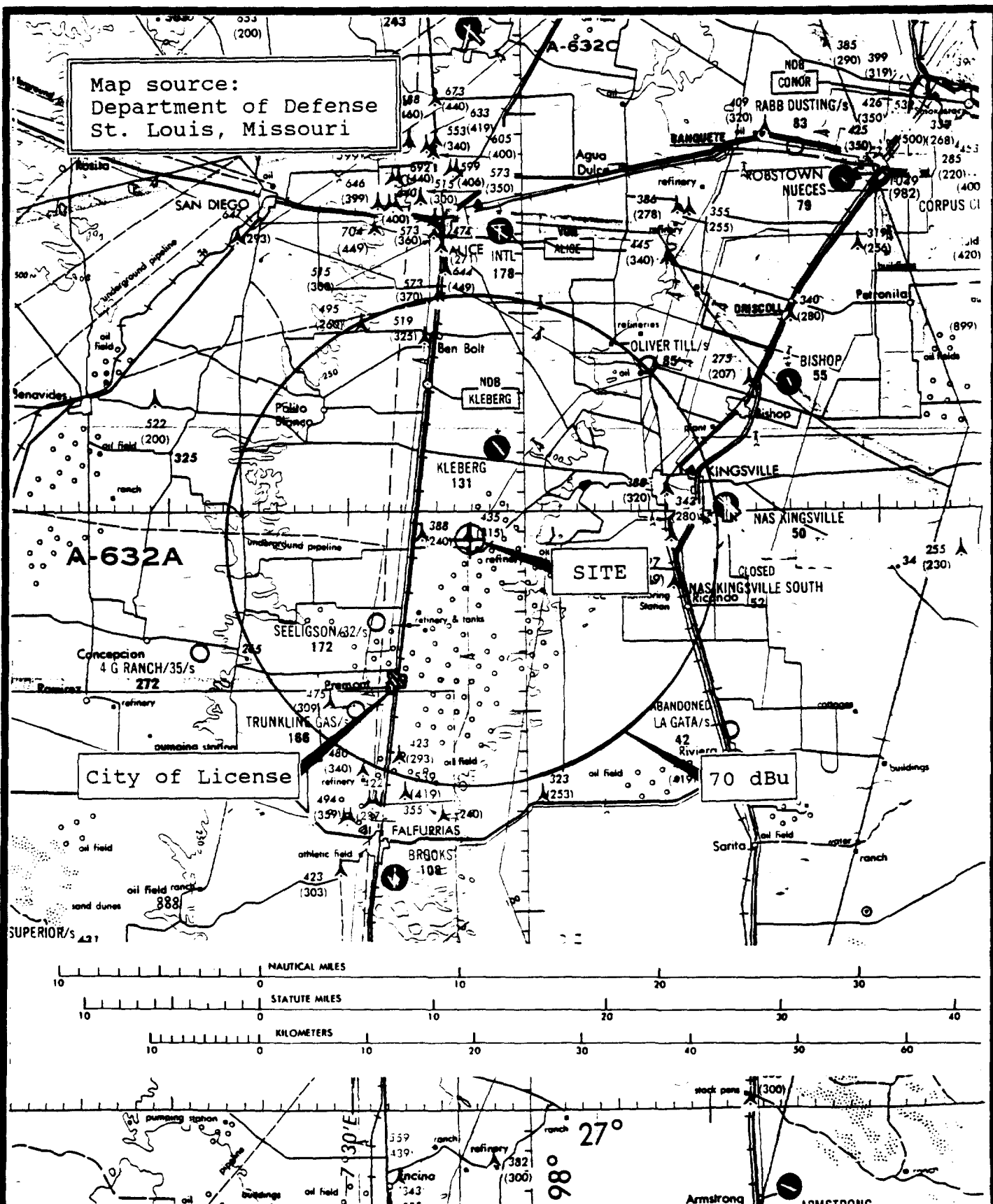
PAULINO BERNAL

By: 

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His Attorneys

May 12, 1995



**JF&A**  
COMMUNICATIONS  
CONSULTANTS

CITY OF LICENSE COVERAGE

KMFM  
PREMONT, TX  
EXHIBIT A

11-08-1994

John Furr & Associates Inc.

PAGE 1

FM Study for: KMFM  
Location: PREMONT, TX  
FCC Database Date: 10/94  
Channel Class: C3  
Mexican Class A spacing is based on Class AA spacing.  
Call City, State  
Status Proponent  
Chan Class Freq kW Latitude Dist. Required  
File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 264 100.7 mHz <<<<<<<<

KBDR MIRANDO CITY, TX 263 C2 100.5 42.0 27-21-13 117.23 117  
LIC ALDERETE COMMUNICATIO BLH-930415KB 163 99-13-50 263.7 +0.23 CLOSE  
\*To channel 263A

Proposed to mexico as B on 900913-Accepted by mexico 910313

KNCN SINTON, TX 267 C1 101.3 100. 27-55-24 79.5 76  
LIC TIPPIE COMMUNICATIONS BMLH-575 110 97-25-26 51.1 +3.5 CLOSE

ALLOC GEORGE WEST, TX 265 A 100.9 28-20-06 95.6 89  
ADD BENNET BROADCASTING, RM-7699 0 98-06-54 356.3 +6.6 CLOSE

Proposed to Mexico as B on 911024-Accepted by Mexico on 920228

Counterproposal-Application For Review

JF&A  
COMMUNICATIONS  
CONSULTANTS

ALLOCATION STUDY

KMFM  
PREMONT, TX  
EXHIBIT B